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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/632,701
Filing Date: July 31, 2003
Appellant(s): WONG, DAVID

Stephen R. Schaefer
For Appellant

EXAMINER'S ANSWER

This is in response to the order from the Patent Board of Appeals dated February 17, 2009. The Examiner's Answer dated August 7, 2009 is hereby vacated. A new Examiner's Answer correcting a typographical error in the previous Examiner's Answer is set forth below..

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. 6,356,909	Spencer	3-2002
2002/0046081	Albazz	4-2002
2002/0615814	Lee	11-2002
2003/0208424	Tenrorio	11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8-9, 12-21, 23-24, 27-32, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (6,356,909) in view of Albazz (2002/0046081).

Spencer discloses the following:

With respect to Claim 1, Spencer discloses the invention as claimed including in a computer-implemented method the steps of:

receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction (Figs. 2, 13, 14; Col. 8, lines 5-38);

receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules (Fig. 15; Col. 8, lines 22-38; Col. 12, lines 28-39);

generating the opportunity using a computer-implemented bidding tool, wherein the

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opportunity includes the opportunity data, and wherein generating the opportunity comprises associating the particular compliance rule with the opportunity (Figs. 4, 21 A; Col. 11, lines 3-35; Col. 12, lines 28-38; Col. 13, lines 19-44);

electronically communicating the opportunity to a potential supplier (Fig. 16; Col. 4, lines 40-49; Col. 8, lines 38-51);

electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute (Fig. 21B; Col. 4, lines 49-52; Col. 9, lines 13-15); and

However, Spencer does not disclose compliances rules. Albazz teaches the use of compliance rules for requests and bidding (p.5, 56-59 and p.8, 99-103). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate compliance rules to allow the bidding to provide for the best possible responses.

With respect to Claims 2 and 4, Spencer discloses weighting of responses (an action) at Col. 3, lines 38-43, Col. 4, lines 7-12 and Col. 13, lines 11-18.

As to Claim 3, Spencer discloses flagging a response at Col. 16, lines 8-10.

With respect to Claim 5, Spencer discloses discarding a response at Col. 16, lines 10-15.

With respect to Claims 6 and 8, Spencer discloses a discard rule at Col. 16, lines 1-15; this is read as a processing rule.

As to Claim 9, Spencer discloses winner determination at Col. 16, lines 50-51.

With respect to Claim 12, Spencer discloses the invention as claimed including in a

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method the steps of:

receiving user input specifying a particular response attribute of a plurality of response attributes to evaluate using a compliance rule (Fig. 15; Col. 8, lines 22-38; Col. 12, lines 28-39); and

receiving user input specifying an action to take based on evaluating the attribute data using the particular compliance rule (Col. 3, lines 38-43, Col. 4, lines 7-12 and Col. 13, lines 11- 18).

See also the discussion of Claims 1 and 2.

With respect to Claim 13, Spencer discloses user input to associate a compliance rule with a later-created opportunity at Col. 8, lines 5-38. Here, questions are stored in the questions database for association with later-created RFPs.

With respect to Claim 14, Spencer disclose automatic determination of whether to associate a compliance rule with a later-created RFP at Col. 10, lines 58-65,

With respect to Claim 15, see the discussion of Claims 1 and 12.

With respect to Claims 16 and 27, they are the article and system variations of Claim 1 respectively and are rejected in a like way.

With respect to Claims 17 and 28, they are the article and system forms of Claim 2 respectively and are rejected in a like way.

With respect to Claims 18 and 29, they are the article and system forms of Claim 3 respectively and are rejected in a like way.

With respect to Claim 19, it is the article form of Claims 4 and is rejected in a like manner.

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With respect to Claims 20 and 31, they are the article and system forms of Claim 5 respectively and are rejected in a like way.

With respect to Claims 21 and 32, they are the article and system forms of Claim 6 respectively and are rejected in a like way.

With respect to Claims 23 and 34, they are the article and system forms of Claim 8 respectively and are rejected in a like way.

With respect to Claims 24 and 35, they are the article and system forms of Claim 9 respectively and are rejected in a like way.

With respect to Claim 30, it is the system form of Claim 4 and is rejected in a like manner.

Claims 7, 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer and Albazz, as applied to claims 1 and 16 above, and in further view of Lee et al (US 2002/0165814).

Regarding Claim 7, see the discussion of Claim 4. Spencer does not specifically disclose a weighting rule for assigning weights to a response. Lee discloses this limitation at paras. 31-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Spencer with the weighting rules for attributes of Lee because this would result in improved ranking of alternative responses.

With respect to Claim 22, they are and 7 and are rejected in a like manner.

With respect to Claim 33, it is the system form of claim 7 and is rejected in a like

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manner.

Claims 10-11, 25-26 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer and Albazz as applied to claims 1, 16, and 27 above, and in further view of Tenorio et al. (US 2003/0208424) A1.

With respect to Claim 10, see the discussion of Claim 1. Spencer does not specifically ' disclose evaluation based where the attribute is supplier identification. Tenorio discloses this limitation in a trading environment at para. 21. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Spencer to include the supplier identification evaluation of Tenorio because this would allow buyers to receive responses form appropriate suppliers, such as those of a particular geographic area. See Tenorio at para. 21, lines 1-8.

With respect to Claim 11, see the discussions of Claims 4 and 10. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Spencer with weighted supplier identification because this would result in improved ranking of qualified supplier responses.

With respect to Claims 25 and 36, they are the article and system forms of Claim 10 respectively and are rejected in a like way.

With respect to Claims 26 and 37, they are the article and system forms of Claim 11 respectively and are rejected in a like way.

(10) Response to Argument

The Appellant argues that none of the references alone or in combination disclose or teach receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules; b) electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and c) using a computer- implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.

In response, Spencer and Albazz disclose and teach the following:

A computer-implemented method comprising:
receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction (col.5, lines 5-38-Spencer);
receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules (The user inputs attributes of RFP and responses to the RFP are inputted into the system—col.8, lines 5-38--and evaluated according to compliance rules taught by Albazz);

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generating the opportunity using a computer-implemented bidding tool, wherein the opportunity includes the opportunity data, and wherein generating the opportunity comprises associating the particular compliance rule with the opportunity (col.11, lines 3-35; col.12, lines 28-38; and col.13, lines 19-49-Spencer); electronically communicating the opportunity to a potential supplier (col.11, lines 3-35; col.12, lines 28-38; and col.13, lines 19-49-Spencer); electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute (col.4, lines 49-52 and col.9, lines 13-15—Spencer); and using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule (the response attribute data may be evaluated in order to determine whether or not they correspond with the terms and conditions—compliance rules—taught by Albazz—p.5, 56-59)..

Therefore, the Examiner is interpreting Spencer and Albazz as reading onto the invention substantially as claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lalita M Hamilton/

Primary Examiner, Art Unit 3691

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